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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

D-1108

Applicant : Takefumi Kawasaki
Title : SYSTEM FOR MATERIAL TESTING MACHINE
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Group Art Unit : 2863
Examiner : Tung S. Lau

Hon. Commission for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

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RESPONSE TO ACTION

Sir:

This is a response to the Office Action of April 23, 2004.

In paragraph 1 of the Action, claims 1, 3-5 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al. in view of Creamer et al. However, the claims of the invention are patentable over the cited references, as explained below.

In Ogawa et al., an apparatus for performing non-contact measurement of relative displacement includes a material testing apparatus 2, a microscope 3 for inspecting a test piece 7 tested by the testing apparatus 2, an image synthesizer 4 for receiving the signals from the microscope 3, and an image processor 5 processing the signals from the image synthesizer 4. The signals from the image processor 5 and information of the material testing apparatus 2 are sent to a computer 6. Measurements of the test piece can be obtained as a graph.

In claims 1 and 5 of the application, a material testing machine having load mechanism and so on is used, and image data containing load-elongation curve is obtained. Ogawa et al. shows the material testing machine similar to the invention. However, other structures

of the invention, i.e. an outside provider and a cellular phone in claims 1 and 5, are not disclosed or suggested in Ogawa et al. The test information by the material testing machine is only obtained by Ogawa et al.

Creamer et al. is directed to a system and method for providing customer personalized and modifiable subscriber services, wherein a telephone system provides subscribers with access to a service provider's platform logic and data implemented in any runtime environment. In particular, as shown in Fig. 1, a telephone system includes a service provider platform 12 having call managers 14 and media processors 16 linked through LAN 18, and Public Switch Telephone network 20 connected to telephones 24, cell phones 26 and other appliances 28. Also, the platform 12 is connected to an Internet Protocol Network 30 through a router 32.

In Creamer et al. the provider provides to the subscriber a tool kit or access to a support service for writing service logic modifications. Fig. 4 shows a subscriber service logic installation receiving service tool kits and service modifications from a service web site and a support service, wherein the subscriber can receive the service logic from the provider.

In Creamer et al., the service logic modification is achieved in a process, and the service specifications are designed, implemented, tested and rolled out. A modified service logic is locally tested by the subscriber, followed by remote testing of the modification on the service provider's premises, as shown in Fig. 6.

In claim 1 of the invention, an outside provider electrically connected to the computer has a web site established therein for receiving outputs of the computer to update the test information periodically to the web site. In Creamer et al., there is the platform 12 connected to the subscriber, which provides the tool kit or allows the subscriber to access to the service logic and so on. However, there is no system for receiving the test information made by the outside machine, i.e. material testing machine, and showing or providing the test information to the subscriber.

In claim 1, the web site includes updated test information accessible at any time from another computer or a portable terminal. Creamer et al. provides the tool kit and so on, but does not provide updated test information.

In the invention, the computer of the material testing machine periodically sending the test information and the image data containing the load-elongation curve by an electronic mail to the cellular phone through the outside provider to provide update information and image data. In Creamer et al., a cell phone can access to the platform 12, but it is not disclosed or suggested that update information and image data of other machine are obtained by the cell phone 28.

Thus, the features of claim 1 of the invention are not disclosed or suggested by Creamer et al.

In claim 5, a system includes, in addition to the material testing machine, an outside provider electrically connected to the computer, and a cellular phone as a terminal disposed independently from and connected to the outside provider. The computer of the material testing machine periodically sends the test information and the image data including the load-elongation curve by an electronic mail to the terminal, i.e. cellular phone, through the outside provider to provide update information and image data. In Creamer et al., a cell phone can access to the platform 12, but it is not disclosed or suggested that update information and image data of other machine are obtained by the cell phone 28.

In the second paragraph on page 3 of the Action, it is stated that test information is updated and obtained by another computer or portable terminal. However, the test information mentioned in Creamer et al. is the information after installation of the service logic to the computer and so on, not information of the test conducted by the material testing machine, as in the invention.

In Creamer et al., a computer, cell phone, and so on can be connected to the platform 12 through a public telephone or internet, and obtain information therefrom. However, Creamer et al. does not disclose that a testing machine is connected to the platform, and the information from


the testing machine is updated and transferred to the cell phone. The features in claims 1 and 5 of the invention are not disclosed or suggested in Creamer et al.

In case Creamer et al. is combined with Ogawa et al., the material testing machine in Ogawa et al. may be connected to the LAN or Internet. However, it is not disclosed or suggested that the test information obtained by the material testing machine is provided to the cellular phone through the provider or web site of the provider. Accordingly, even if the cited references are combined, claims of the application are not obvious from the cited references.

Reconsideration and allowance are earnestly solicited.

Respectfully submitted,

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